

Applicants submit herewith a Terminal Disclaimer to remove the basis for the obviousness-type double patenting rejection appearing at paragraph 1 of the Official Action.

With respect to the prior art rejection appearing at paragraph 2 of the Official Action, Applicants respectfully note the Examiner's comments relative to the applicability of 35 USC 102(e), but respectfully submit that the Examiner's analysis overlooks the following:

a) the Matsumoto et al publication claims the benefit of an international application that was filed September 25, 2002, i.e. **after** November 29, 2000. (Applicants also respectfully note that, for U.S. application publications of applications that claim the benefit under 35 U.S.C. 120 or 365(c) of an international application filed **prior** to November 29, 2000, the reference is applied under 35 U.S.C. 102(e) as of the actual filing date of the later-filed U.S. application that claimed the benefit of the international application- -see MPEP Section 706.02(f)(1));

b) the international application from which Matsumoto et al claims benefit was published under PCT Article 21(2) in Japanese, **not** in English (see copy of WO 03/027185 A1, submitted herewith); and

c) since the international application from which Matsumoto et al claims benefit was not published in English under PCT Article 21(2), the international filing date cannot be treated as a US filing date for prior art purposes (see MPEP Section 706.02(f)(1)).

In view of the above, it is respectfully submitted that the prior art rejection of record is

in error and should be withdrawn. In addition, Applicants respectfully note that the claimed ink composition requires:

- (i) at least one member selected from compounds of formula (1) and salts thereof; and
- (ii) at least one member selected from carboxyl group-containing aromatic compounds and salts thereof.

Matsumoto et al. is directed to novel anthrapyridone compounds, water-base magenta ink compositions, etc. The Examiner refers to the disclosure of anthrapyridone compounds for the presently claimed requirement (i) for the presently claimed requirement (ii), the Examiner provides comments in the second paragraph on page 7 of the Office Action. In this paragraph of the Official Action, the Examiner refers to [0063], [0064], [0070] and [0080]. However, it appears that the description in these paragraphs relates to the anthrapyridone compounds and accordingly the Examiner's comments respectfully do not match with the description in the Office Action. Should the Examiner persist in a rejection of the application based upon subject matter contained in Matsumoto et al, he is respectfully requested to clarify the basis for such rejection.

In view of the above, it is respectfully submitted that all rejections and objections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

CLIFFORD J. MASS  
LADAS & PARRY LLP  
26 WEST 61ST STREET  
NEW YORK, NEW YORK 10023  
REG. NO.30,086(212)708-1890